

Charter School Commission preparing to close down

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OLYMPIA, Wash. (AP) — The state commission overseeing Washington's fledgling charter schools began shutting itself down Wednesday in response to a Supreme Court ruling that the schools are unconstitutional.

In a telephone conference call, the Washington State Charter School Commission directed the executive director, Joshua Halsey, to begin the wind down process for the commission, and also passed a motion to have him work with the Attorney General to explore legal remedies that could give charter schools more breathing room. The commission also directed Halsey to develop an official position on the court ruling that it can adopt and use in its efforts.

Steve Sundquist, the commission's chairman, said that he was "deeply disappointed" by the court ruling.

"We're very supportive of the families affected, the schools affected," he said during the call. "And that's where we find ourselves, in a very tough spot."

The move by the board comes a day after the chief executive of the charter schools association, a separate advocacy group for the schools, said that all nine current schools have committed to remaining open for the year, even if that means relying on private donations. The state had been expected to spend about \$14 million a year to operate the schools, which are in Spokane, Tacoma, Kent, Highline and Seattle.

In a 6-3 ruling issued late Friday afternoon, the high court said that the privately operated, publicly funded charter schools that were created under a voter-approved initiative do not qualify as common schools under Washington's Constitution and thus cannot receive public funding.

The decision, which came nearly a year after oral arguments in the case and just after eight new charter schools opened, did not specify what will happen to the schools or the students who attend them. Instead, the justices sent the case back to King County Superior Court "for an appropriate order."

The high court's opinion takes effect later this month, barring any reconsideration by the court. The charter schools association has said it would ask the court to reconsider its ruling and, failing that, lobby Gov. Jay Inslee to call a special session of the Legislature.

David Postman, a spokesman for Inslee, said Wednesday that the governor had no comment on the charter school issue at this time.

"The governor and his staff are consulting with the AG's office and others before there is anything further," he said.

Initiative 1240 passed with 50.7 percent of the vote in 2012, making Washington the 42nd state to approve charter schools. The measure provided for the opening of as many as 40 charter schools within five years. The first opened last fall. This school year, eight more have opened, with classes beginning over the past few weeks.

The state teachers union and the League of Women Voters were among the groups that challenged the law. They argued charter schools were siphoning money that would otherwise go to traditional public schools. Washington is facing sanctions from the Supreme Court, in a separate case known as the McCleary lawsuit, for failing to adequately pay for those schools, which serve 1 million schoolchildren.

In her majority opinion, Chief Justice Barbara Madsen cited precedent from 1909 in ruling that charter schools are not common schools because they are controlled by a charter school board — not by local voters. She further rebuffed an argument from the state that the charter schools could be paid for from the general fund rather than money specifically intended for public schools, because the state doesn't segregate the funds and thus doesn't have a way to ensure restricted money isn't spent on charter schools.